

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIM MORTIMER,

Appellant,

-against-

HEIDI J. SORVINO, *Chapter 11 Trustee*, et  
al.,

Appellees.

20 Civ. 4032 (LGS)

ORDER

LORNA G. SCHOFIELD, United States District Judge:

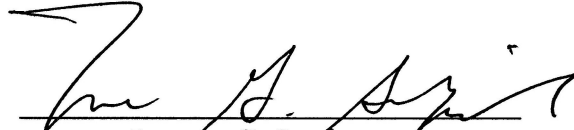
WHEREAS, in connection with the instant appeal, pro se Appellant designated transcripts for hearings held on the following dates: March 2, 2020, March 12, 2020, March 19, 2020, April 14, 2020, April 28, 2020. Appellant has not appeared to have timely requested such transcripts for inclusion in the record on appeal. *See* Dkt. No. 16;

WHEREAS, pursuant to Federal Rules of Bankruptcy Procedure (“FRBP”) 8009, it is the Appellant’s obligation to order any part of the lower proceedings transcript which is necessary to the adjudication of the claim on appeal. Where appellants have failed to request and submit crucial portions of transcripts, courts have dismissed appeals or affirmed such appeals on the basis of the bankruptcy court’s ruling. *See In re Emmons-Sheepshead Bay Dev. LLC*, 518 B.R. 212, 217 (E.D.N.Y. 2014) (collecting cases). Because Appellant is challenging the validity of the April 28, 2020, directing the appointment of a Chapter 11 Trustee, at the very least, the transcript of the April 28, 2020, hearing, which addressed the grounds for entering the order, are critical to this Court’s review. Appellant provides quotes from the April hearing in her reply memorandum of law, *see* Dkt. No. 27, but the Court requires the full transcript for adequate review. It is hereby

**ORDERED** that Appellant shall order the designated transcripts -- March 2, 2020, March 12, 2020, March 19, 2020, April 14, 2020, April 28, 2020 -- and ensure they are certified and

transmitted to this Court as a supplemental record on appeal. *See* FRBP 8009(e)(2) (providing for correction or modification of the record). Appellant shall file a letter by **December 18, 2020**, providing the Court an update on the status of such request. Failure to comply may result in dismissal of the appeal or affirmance on the basis of the bankruptcy court's ruling.

Dated: December 8, 2020  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**